

Amendment No. 2 to SB3128

**Henry
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3128*

House Bill No. 3123

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Sections 63-6-224 and 63-9-112 are amended by deleting both sections in their entirety and substituting instead the following language at each location:

(a) The board shall have, in regards to operators of x-ray equipment and/or machines in physician offices, the authority, by rules and regulations, to:

(1) Establish and issue limited x-ray certifications to qualified individuals in the areas of densitometry, chest, extremities, skull and/or sinus and lumbar spine;

(2) Establish and issue full x-ray certifications to individuals who hold current and unrestricted national certification from the American Registry of Radiologic Technologists;

(3) Establish the minimum educational courses, curriculum, hours, and standards which are prerequisite to issuance of the limited certificates;

(4) Select the examination(s) to be utilized as the board's limited certification examination(s) and the prerequisites, if any, for admission to the examination(s). The board is authorized to enter into a contract or agreement with the chosen examination service(s) or select an intermediary between the board and the examination service(s) to process applicants for the examination(s);

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(5) Establish any other criteria for issuance of limited certificates which are reasonably related to the safe and competent performance of x-ray procedures;

(6) Establish a mechanism for the board accreditation of educational courses which are operating for purposes of qualifying individuals for limited certification and which meet the requirements established pursuant to the rules promulgated under the authority of subdivision (a)(3), and establish the causes and standards which are grounds for withdrawal of the course accreditation and the mechanism for that withdrawal;

(7) Establish the fees to be paid for application and certification, renewal, and late renewal of certificates and the fees required to be paid for application, renewal, and late renewal of educational course accreditation; and

(8) Establish the required number of hours, types of courses, methods of proving compliance for biennial continuing education for all certificate holders.

(b) The certificates and accreditations issued pursuant to this section must be renewed and may be retired, and reactivated pursuant to board established procedures. A person holding a certificate issued pursuant to this section may be disciplined for the same causes and under the same procedures

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as contained in Tennessee Code Annotated, § 63-6-214 for the medical board,
and § 63-9-111 for the osteopathic examination board.

(c) The standards established by the board pursuant to subsection (a)
shall be at least as stringent as any mandatory federal standards.

(d) No person shall perform x-ray procedures in a physician's office
without being licensed as a physician or certified by the board pursuant to this
section. Persons who have enrolled in a board recognized radiologic training
program are exempt from the certification requirements of this section only as to
x-ray procedures performed within or under the auspices of the program in which
they are enrolled. After completion of the course but while awaiting the first
opportunity to sit for the certification examination, but for no more than six (6)
months, and for a period of time within which to receive the examination scores,
but no more than seventy-five (75) days thereafter, such persons are exempt
from the certification requirements of this section.

(e) No x-ray procedures may be performed by any person holding a
certificate issued pursuant to this section without:

(1) An order from a physician licensed pursuant to this chapter or
an osteopathic physician licensed pursuant to chapter 9; and

(2) A physician licensed pursuant to this chapter or an osteopathic
physician licensed pursuant to chapter 9 of this title exercising full
supervision, responsibility and control over the services being provided.

The Board is authorized to establish, by rules and regulations, the levels

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of supervision required of physicians utilizing persons certified pursuant to this section.

(f) A physician's office for purposes of this section shall mean anywhere the practice of medicine as defined in section 63-6-204, or the practice of osteopathy as defined in section 63-9-106, which includes the performance of x-ray procedures contemplated by this section, is being conducted, except where that practice is conducted in or under the auspices of an facility or entity licensed by the department of health's division of health care facilities. The operation of a business in which x-ray procedures contemplated by this section are performed that is not owned by a physician, group of physicians, medical professional corporation, limited liability medical professional company or an entity or facility licensed by the department of health's division of health care facilities is prohibited.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.